

Subject: senate08-09: Conflict of Interest forms, policy, and participation
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Dear Members of the University Senate:

We ask that you forward this message onward to the broadest number of

faculty members possible, using whatever school or department e-mail lists you may have. (We use the term "faculty" in a generic sense in this e-mail; feel encouraged to send this to GTFs, research staff, etc.)

Attached are the latest drafts of the short, 2-page Financial Conflict of Interest form and its 2-page attachment, which our Ad Hoc Senate Committee has been devising. They involve many substantial changes from the University's December draft.

We ask faculty members throughout the University (see broad language above) to read both documents and comment either to Senate members or to John Bonine as Committee Chair. We will discuss the current status of COI policy revision at the University Senate meeting on Wednesday, March 11.

We are still working on language of the policy itself, but we wanted to get the forms into the hands of faculty members in enough time that you or your colleagues may provide e-mail or verbal feedback by Wednesday. The final adoption of a policy and the final form will not take place until the April meeting of the Senate, but as a matter of faculty governance it is important to have the widest extent of transparency and consultation, and to begin that participation well in advance of the April meeting.

Notable features of the forms (and underlying policy):

1. We are restricting this proposal to what Federal law and regulations require. They are applicable only to investigators involved in externally sponsored programs. Thus we are striving for a policy that achieves the goal of avoiding or managing financial conflicts of interest in such programs, while preserving the

maximum amount of academic freedom and autonomy possible in the University.

2. Consequently, we propose to reduce the coverage of mandatory financial conflict of interest disclosures in two ways:

a. Most faculty in the university will be exempt from filing this annual disclosure, unlike the proposal in December. Only those involved in projects with externally sponsored funding will be required to file forms. These are investigators who have funding obtained through the Electronic Proposal Clearance System of the Office of Research and Sponsored Programs. Unless you have externally sponsored funding, no disclosure form need be filed.

b. Furthermore, even for the faculty and investigators who have externally sponsored funding - those who are required to file the basic form - most will probably be able to stop after answering "No" to three questions. This is true for two reasons:

(1) The only private financial interests in outside entities that must be disclosed are those in entities that sponsor one's University research or program - or have some similar involvement in one's sponsored research or program through gifts to it, sale of goods and services to it, products or research interests affected by it, or another direct involvement in that research or program. This approach has been taken basically from Stanford University. See the form for our exact wording.

(2) Only financial interests of the sort listed in "(1)"

that exceed \$10,000 or constitute a 5% ownership interest in the involved outside entity will trigger a need to go beyond the basic, 3-question form, unless one is involved in human subjects research involving invasive biomedical procedures. See the form for our exact wording.

3. For those faculty or investigators who must go beyond the basic, 3-question form to fill out the "Disclosure Attachment" because their outside financial interests meet the coverage triggers in 2(b)(1) and (2) above, we have simplified the questions to make it easier to spot potential financial conflicts of interest. We have also timed the annual filing of the Attachment (and the basic form as well) for May 1, to allow you to use your income tax forms for the previous year to help with needed financial data.

4. We have endeavored to provide a higher degree of protection of confidentiality than in the previous draft forms. While confidentiality was always intended, we have added provisions about copying and a clear statement of confidentiality on the form itself. In addition, the office with custody of the disclosed information (Office for the Responsible Conduct of Research) will have in place a firm "Standard Operating Procedure" that is intended to limit copying to the minimum necessary.

5. We have limited this to "financial" conflicts of interest (and, as stated above, only those above certain thresholds for those faculty involved in sponsored programs). This policy does not cover non-financial conflicts or matters that involve the belief systems of faculty members, something that doctrines and policies of academic freedom are designed to safeguard against outside monitoring and intrusion wherever possible.

6. There is an additional set of financial conflict of interest issues related to State statutes and Oregon University System policies, focusing primarily on those staff involved in the procurement of goods and services. Our Ad Hoc Senate Committee will engage with a separate University task

group currently addressing policies and practices related to state procurement.

7. Managing of potential outside interferences with one's general obligations to the University (often called "conflict of commitment" or CoC , but for some of us a more proper term would be "balance of commitments"), is not covered by this financial conflict of interest policy. These other concerns were removed from our committee's jurisdiction. A separate CoC committee is being organized under the Senate leadership in cooperation with Academic Affairs. Under current CoC policy, compliance with one's obligations to the University and its students is handled largely through individual departments and through the rigorous process of granting tenure only to those faculty who can be entrusted with faithful fulfillment of the academic mission.

We urge you to provide feedback. Have we done enough to protect our University against its research and sponsored programs being tainted by serious financial conflicts of interest in light of federal requirements? Have we done enough to protect the academic freedom of individual faculty members? Have we done enough to ensure confidentiality?

In summary, the forms we have drafted confine COI disclosure more narrowly than those discussed last December. We hope that the forms (and the policy language that we will forward to you later) are a substantial improvement. We look forward to the adoption of final forms and policy in April as an important element of faculty governance at the University of Oregon.

Sincerely,

The Ad Hoc Senate Committee on Financial Conflict of Interest

John Bonine, Chair

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